

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Delphine ALLARD et al.) Group Art Unit: 1616
Application No.: 09/099,939) Examiner: Shelley A. Dodson
Filed: June 19, 1998) Confirmation No.: 8018
For: PHOTOPROTECTIVE/COSMETIC)
COMPOSITIONS COMPRISING)
DIBENZOYLMETHANE/TRIAZINE/)
DIPHENYLACRYLATE COMPOUNDS)

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

[] A Petition for Extension of Time is also enclosed.

[X] A Terminal Disclaimer and the [] \$55.00 (2814) [X] \$110.00 (1814) fee due under 37 C.F.R. § 1.20(d) are also enclosed.

[X] Also enclosed is/are a Submission of Terminal Disclaimer.

[] Small entity status is hereby claimed.

[] Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the [] \$385.00 (2801) [] \$770.00 (1801) fee due under 37 C.F.R. § 1.17(e).

[] Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.

[] Applicant(s) previously submitted ___, on ___, for which continued examination is requested.

[] Applicant(s) requests suspension of action by the Office until at least ___, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

[] A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

No additional claim fee is required.

[] An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADD'L FEE
Total Claims		MINUS =		× \$18.00 (1202) =	
Independent Claims		MINUS =		× \$86.00 (1201) =	
If Amendment adds multiple dependent claims, add \$290.00 (1203)					
Total Claim Amendment Fee					
If small entity status is claimed, subtract 50% of Total Claim Amendment Fee					
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					

A check in the amount of \$ 110.00 is enclosed for the fee due.

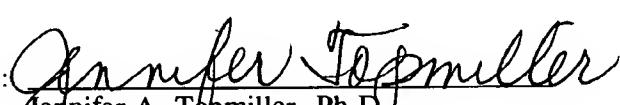
[] Charge \$ _____ to Deposit Account No. 02-4800.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: January 23, 2004

By: 
Jennifer A. Topmiller, Ph.D.
Registration No. 50,435

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Patent
Attorney's Docket No. 016800-224

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REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In complete response to the Office Action mailed December 3, 2003, Applicants submit the following comments.

As correctly stated in the Official Action, Claims 22-41 are pending in the present application. Claims 22-41 stand rejected.

Information Disclosure Statements

Applicants respectfully request that the Examiner initial and return to Applicants the PTO-1449 forms that accompanied the filing of the present application submitted on June 19, 1998 and the Information Disclosure Statement filed on September 5, 2001.

Attorney's Docket No. 016800-224

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Rejections Under the Judicially Created Doctrine of Obviousness-Type Double Patenting

Claims 22-41 stand rejected under the judicially created doctrine of obviousness-type double patenting as obvious over Claims 1-21 of U.S. Patent No. 5,928,629. Without conceding to the merits of this rejection, and solely in an effort to expedite prosecution, Applicants submit herewith a terminal disclaimer disclaiming any patent term of the present application extending beyond the duration of the '629 patent. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusions

From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

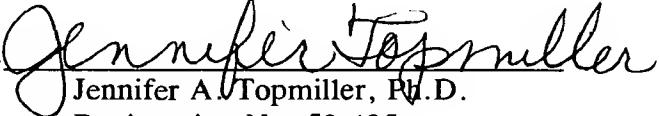
In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: January 23, 2004

By:


Jennifer A. Topmiller, Ph.D.
Registration No. 50,435

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